

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
 100 CHURCH STREET  
 NEW YORK, NY 10007

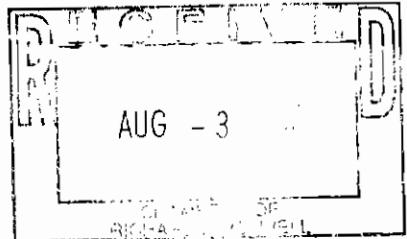
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August 3, 2007

**BY HAND**

Honorable Richard J. Holwell  
 United States District Judge  
 United States Courthouse, Southern District of New York  
 500 Pearl Street  
 New York, New York 10007



Re: Reid-Thomas v. The City of New York et al  
 07-CV-06477 (RJH)(DF)

Your Honor:

As the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to defend the above-referenced matter, I write to respectfully request that the Court grant defendant City of New York a sixty (60) day enlargement of time to and including October 3, 2007 in which to respond to the complaint. Plaintiff's counsel, Mr. David Zelman, consents to this request.

Plaintiff brings this action pursuant to 42 U.S.C. §1983 alleging, *inter alia* that on June 8, 2007, she was falsely arrested. Based on the foregoing, it is necessary for defendant City of New York to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution, a consent and authorization for the release of medical records and records sealed pursuant to New York Criminal Procedure Law § 160.50. Defendant cannot obtain these records without plaintiffs' authorization, and without the records, defendant cannot properly assess this case or respond to the complaint. Accordingly, an enlargement of time is necessary so that this office can properly investigate the allegations of the complaint, obtain the underlying documentation and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

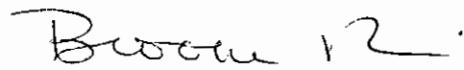
Moreover, a review of the docket sheet indicates that on June 20, 2007, plaintiff filed waivers of service on behalf of Oscar L. Del Valle and Christine Robles. Without making any representations on these individuals' behalf, it is respectfully requested that their time to respond to the complaint similarly be enlarged so that their defenses are not jeopardized while representational issues are being decided. Pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent each individual. Each individual must then decide whether he/she wishes to be

represented by this office. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864 - 65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). If so, we must obtain the individual's written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

No previous request for an enlargement of time has been made. Accordingly, it is respectfully requested that defendants' time to respond to the complaint be extended to and including October 6, 2007.

I thank Your Honor for considering the within request.

Respectfully submitted,



Brooke Birnbaum (BB 8338)  
Assistant Corporation Counsel

cc: Mr. David A. Zelman, Esq. (By Fax)

<u>Application granted. Defendants</u>	
<u>have to October 3 2007 to</u>	
<u>respond to the Complaint</u>	
_____	
_____	
_____	
SO ORDERED:	8/8/07
Date:	8/8/07
Richard J. Molwell, U.S.D.J.	

